

City of Kerrville Planning & Zoning Commission Agenda

Thursday, November 16, 2006, 4:30p.m.*

City Hall City Council Chambers, 800 Junction Highway, Kerrville, TX

The meeting place has wheelchair accessibility and available accessible parking spaces. Please call the City of Kerrville Planning Division at (830) 792-8354 forty-eight hours (48) before the meeting to request accommodations.

1. *4:15 p.m. Pre-Meeting Session, City Council Chambers

Review of today's agenda items between Staff and the Commission. No action will be taken and there is to be no discussion between the Commission and the applicant(s) or other audience.

2. 4:30 p.m. Call to Order

Chairperson calls the meeting to order; roll call.

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3. Visitor/Citizens' Forum

Any person with business not scheduled on the agenda is encouraged to briefly speak their ideas to the Commission. Please fill out the SPEAKER REQUEST FORM and give it to the Commission's Secretary prior to the meeting. (No formal action can be taken on these items as the Open Meetings Act requires formal action items be posted on an agenda no later than 72 hours before the meeting. If formal action is required, the items will be placed on an agenda for a future meeting.)

4. Consent Agenda

All items listed below in the consent agenda are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a Commissioner or citizen so requests; in which case the item(s) will be removed from the consent agenda and considered separately.

4A. Approve the minutes from the meeting of November 2, 2006.

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5. Public Hearing/Consideration

5A. Conditional Use Permit (CUP) Request – Consideration of a recommendation to the City Council of a request for a CUP to allow a Vehicle Sales use on 0.392 acres at 210 – 212 G Street W. Zoned: S-33. Applicant: Ted Michalak. (File #2006-32)

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5B. Replat: Comanche Trace, Phase 9 – A replat of Lots 41 and 42, Block A, a 1.015 acre tract located at the north corner of Comanche Trace Drive and Oak Park Drive. Zoned: R-1. Applicant: Grogan Surveying. (File #2006-33)

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6. Staff Reports

6A. Future Agenda Items. Applicant: Senior Planner

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7. Adjourn - The next scheduled meeting is Thursday, December 7, 2006

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 4A **FOR AGENDA OF:** November 19, 2006

DESCRIPTION: Approval of the minutes from the meeting of November 2, 2006

APPLICANT(S): Planning and Zoning Commission Secretary

ATTACHMENT(S): Minutes

The Commission's Secretary recommends approval of the proposed minutes.

On November 2, 2006 the Planning and Zoning Commission pre-meeting was called to order at 4:20 p.m. in the City Hall Council Chambers, 800 Junction Highway.

MEMBERS PRESENT:

Mack Hamilton, Chairperson
George Hager, Vice Chairperson
Jim Kessler, Commissioner
Bruce Motheral, Commissioner
Andy Phillips, Commissioner
Carl Meek, Ex-Officio City Councilperson
Paul Hofmann, Ex-Officio City Manager

MEMBERS ABSENT:

STAFF PRESENT:

Trina Ramirez, Planning and Zoning Commission Secretary
Gordon Browning, Senior Planner
Brant Gary, Director of Administrative Service

DISCUSSION OF AGENDA ITEMS FOR THE REGULAR MEETING:

The Commissioners and City Planner discussed the items on the agenda.

The pre-meeting adjourned at 4:29 p.m. No action was taken.

1. CALL TO ORDER:

Chairperson Mack Hamilton, called the Kerrville Planning and Zoning Commission regular meeting to order at 4:30 p.m. on November 2, 2006 in the City Hall Council Chambers, 800 Junction Highway.

2. VISITOR/CITIZENS FORUM:

No person spoke.

3. CONSENT AGENDA:

3A. Approval of the minutes from the meeting of October 19, 2006.

Cmr. Hager moved for approval of the consent agenda; motion was seconded by Cmr. Kessler and passed 5-0.

4. Public Hearing/Consideration

4A. **Conditional Use Permit (CUP) Request** – Consideration of a recommendation to the City Council of a request for a CUP to allow a Professional Office use on 1.67 acres at 120 Francisco-Lemos Parkway. Zoned: C-13. Applicant: David Howard for Dr. Thomas Oei. (File #2006-31)

Comr. Hamilton opened the public hearing at 4:32 p.m. No person spoke. Comr. Hamilton Closed the public hearing at 4:35 p.m.

Tom Oei, gave reasoning for the Conditional Use Permit development.

Greg Masters, discussed the resolution and concerns regarding signage, landscaping, and parking for the area.

Comr. Hager moved to recommend to the City Council approval of the C.U.P request to the City Council; motion was seconded by Comr. Motheral and passed 5-0.

5. Discussion and Consideration

5A. **Real Estate Acquisition and Disposition Policy** – Consideration of recommendation to the City Council of the City's Real Estate Acquisition and Disposition Policy. Applicant: City of Kerrville

City Staff and Brant Gary discussed the Real Estate Acquisition and Disposition Policy.

6. Staff Report

5A. Future agenda items. Applicant: Senior Planner.

Mr. Gordon informed the Commission of items for future agenda.

7. **Adjournment** The next regularly scheduled meeting is November 16, 2006.

The meeting adjourned at 6:32 p.m.

ATTEST:

Mack Hamilton, Chairperson

Trina Ramirez, Recording Secretary

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 5A **FOR AGENDA OF:** November 16, 2006

DESCRIPTION: **Conditional Use Permit (CUP) Request:** Consideration of a recommendation to the City Council for a CUP to allow a Vehicle Sales Facility on 0.392 acres at 210 –212 G Street W.

APPLICANT(S): Ted Michalak

ATTACHMENT(S): Locator Map, Draft Resolution, Applicant Submittal

Project Timeline

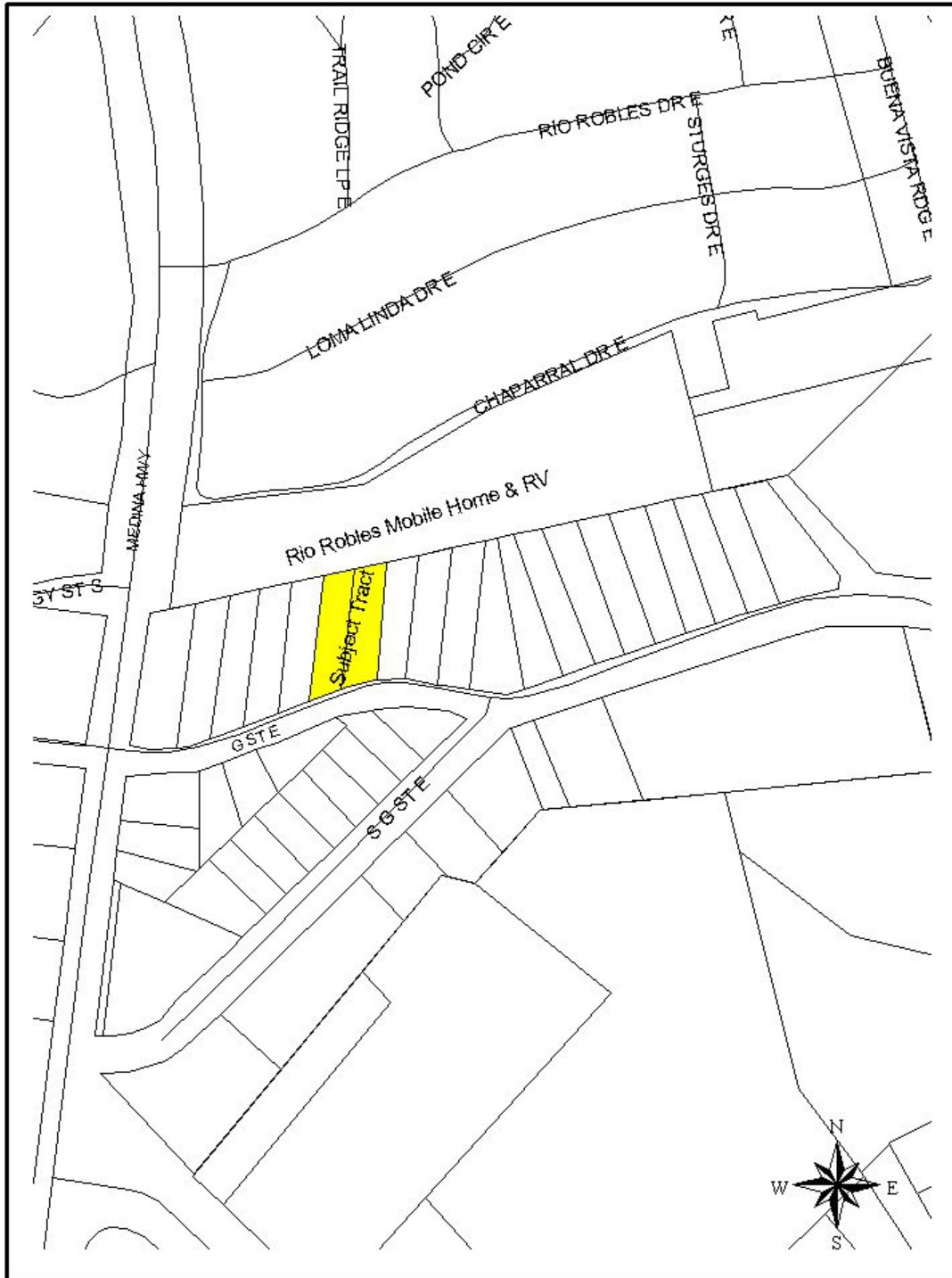
- September 26, 2006 – Application for subject CUP submitted to City.
- October 13, 2006 – Application deemed complete.
- October 27, 2006 – In accordance with statute and local law, notice of required public hearing published in Kerrville daily Times, notices mailed to all property owners within 200 feet of subject tract.
- **November 16, 2006 – Public hearing before Planning and Zoning Commission (P&Z) and consideration of a recommendation to the City Council.**
- December 12, 2006 – Public Hearing before the City Council and consideration of a resolution approving the CUP.

CUP Process/Summary

- Per the zoning code, Vehicle Sales Facilities (New/Used) in the S-33 zone requires approval of a CUP by the City Council. Vehicle sales is defined as a business primarily engaged in the sale or rental of automobiles, pickups, etc.
- The purpose of the S-33 District is to promote business development that will enhance development near or bordering the Guadalupe River. More intense commercial uses may be allowed on a conditional bases.
- The tract under consideration is currently undeveloped.
- Replatting of the property will be required prior to development.
- Per the Zoning Code, the P&Z and/or City Council may impose additional requirements and conditions of approval as are needed to ensure that a use requested by a CUP is compatible and complementary to adjacent properties.

RECOMMENDED ACTION

1. Open the public hearing and receive comments; and
2. Recommend to the City Council approval of the CUP subject to the standards outlined in the Resolution.



Request for Conditional Use Permit (CUP)

1. Applicant:

Ted Michalak
5319 Casa Bella
San Antonio, Texas 78249
Ph.-(210) 508-8109

2. Legal Description:

G Street South, Block 3, Lot 6, 8,559.94 sq. ft. (0.197 Acres}
G Street South, Block 3, Lot 7, 8,478.32 sq. ft. (0.195 Acres}
Street Address: 210 & 212 G Street W. respectively.

3. Proposed Use:

Auto Sales

4. Site Plan: Ten Copies Attached herewith

- a. Parking facilities: See Site Plan.
- b. Loading and unloading Area: Not needed. All vehicles will be driven on and off the property.
- c. Description of Contiguous Properties: Lot to west of proposed facility is a laundromat. Lot to the east is a retail building with a sign and banner shop. Property to the north (rear) is a trailer park. Property across street is an auto repair complex.
- d. Boundries easemants and building Setbacks: See Site Plan
- e. The location of existing and proposed improvements: See Siteplan.

5. Building:

Pre-fab Office with accessible unisex restroom.

6. Performance Characteristics

- a. No appreciable changes in traffic patterns. Sales will be of cars and pickups and customers will be arriving in cars or pickups.
- b. 2- employees max. . Estimate 3 customers,max at any one time.
- c. Operating hours 9:00 am to 6:00 pm.

7. Liicenses and Permits:

Dealers License

8. Similar uses within 1,000 ft.:

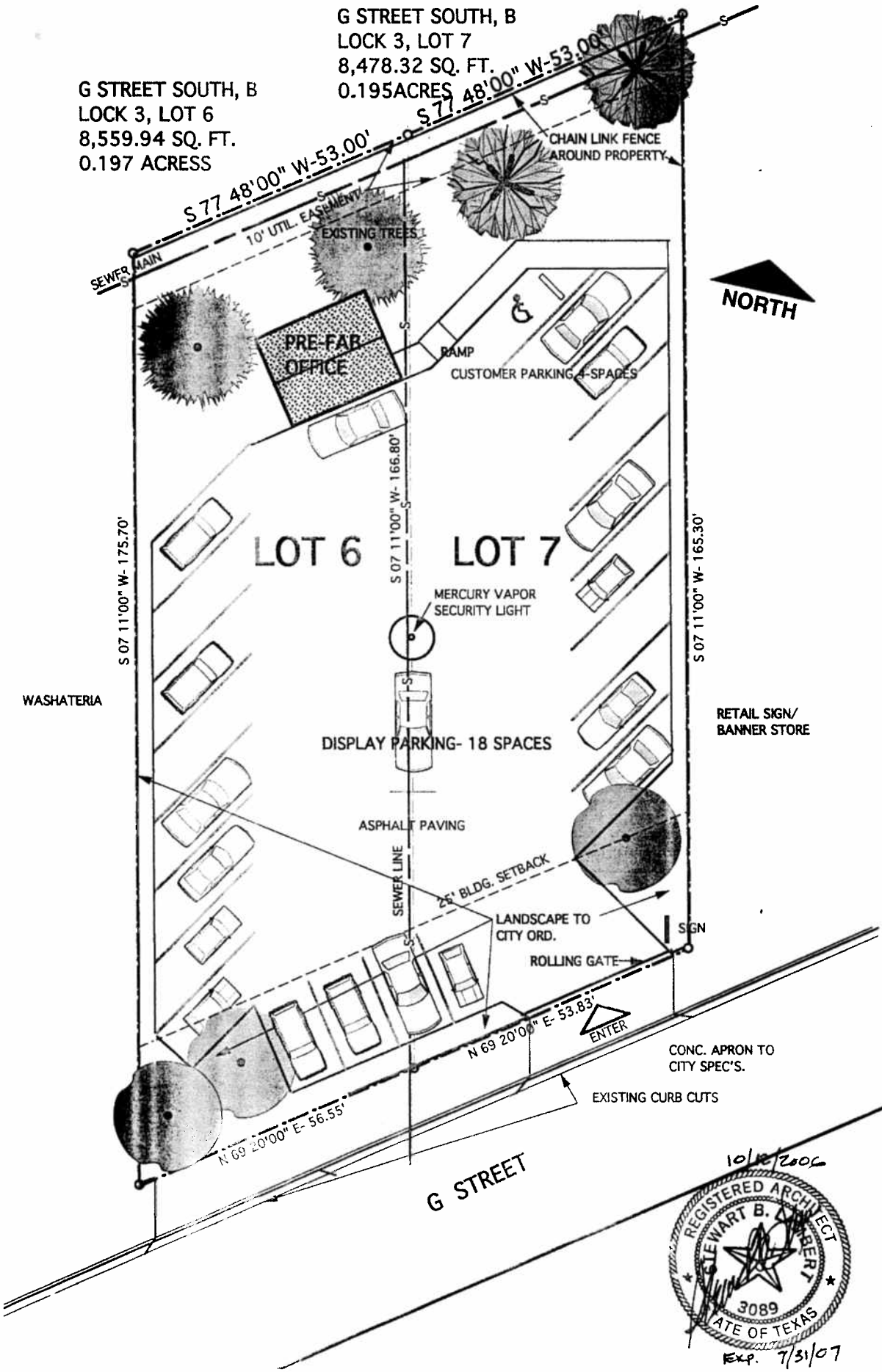
None

9. Drainage:

Property is relatively flat, less than 15% slope.

G STREET SOUTH, B
LOCK 3, LOT 6
8,559.94 SQ. FT.
0.197 ACRES

G STREET SOUTH, B
LOCK 3, LOT 7
8,478.32 SQ. FT.
0.195 ACRES



**CITY OF KERRVILLE, TEXAS
RESOLUTION NO. -2006**

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 0.392 ACRE TRACT OF LAND LOCATED ON LOTS 6 AND 7, BLOCK 3, G STREET SOUTH, WITHIN THE CITY OF KERRVILLE, TEXAS, AND OTHERWISE KNOWN AS 210 AND 212 G STREET SOUTH; SAID TRACT IS LOCATED WITHIN THE E-33 ZONING DISTRICT; BY PERMITTING SAID PROPERTY TO BE USED FOR "VEHICLE SALES-NEW AND USED"; AND MAKING SAID PERMIT SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS CONTAINED HEREIN

WHEREAS, the City Planning and Zoning Commission and the Governing Body of the City of Kerrville, Texas, in compliance with the City Charter and the State law with reference to the granting of conditional use permits under Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, Texas, and the official zoning map adopted thereby, have given the requisite notices by United States mail, publication and otherwise; and after holding due hearings and affording a full and fair hearing to all of the property owners generally, and particularly to those interested persons situated in the affected area and in the vicinity thereof, the Governing Body of the City of Kerrville, Texas, finds that the health, safety and general welfare will be best served by the granting of a Conditional Use Permit, set out hereinafter, subject to the special conditions and restrictions set out hereinafter on the property described in Section One hereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. That a Conditional Use Permit is hereby granted to permit the property described below (the "Property") to be used for Vehicle Sales-New and Vehicle Sales-Used uses, as those terms are defined in Article 11-I-3 of the Code of Ordinances of the City of Kerrville, Texas, subject to the provisions of this Resolution and other applicable City ordinances and regulations:

An approximately 0.392 acre tract or parcel of land located on Lots 6 and 7, Block 3, G Street South, within the City of Kerrville, Kerr County, Texas, and as more particularly described in Volume 4, Page 156 of the Kerr County Real Property Records.

SECTION TWO. If the Property is developed for Vehicle Sales-New and Vehicle Sales-Used, the development and use of the Property shall be subject to the following conditions and regulations:

- A. Site Plan: The development of the Property shall conform in all respects with the Site Plan, which may be found at **Exhibit A**, as attached hereto and incorporated herein by reference.

- B. Parking: The design and number of parking spaces shall be in accordance with **Exhibit A**. All required parking spaces shall be marked and kept available for customers and employees and shall not be used for the display of vehicle inventory.
- C. Sidewalks: The construction of sidewalks shall be in accordance with the regulations in effect at the time building permits, if any, are submitted to the City.
- D. Signs: The design, installation, location, operation and maintenance of signs shall comply with the City's ordinances regulating signs existing at the time of installation, subject to the following:
1. All freestanding signs shall be monument type that comply with the following design standards:
 - a. sign height shall not exceed eight feet (8.0') above the adjacent street curb; however, the height of the sign may be increased up to eleven feet (11.0') above the curb if the sign is installed on an earthen berm, stone mound, or other landscape feature included in an approved landscape plan;
 - b. sign area on each sign face shall not exceed eighty (80) square feet (8'x10');
 - c. copy area on each sign face shall not exceed sixty-four (64) square feet; and
 - d. sign placement shall be such as to not obstruct the view of traffic on the public right-of-way, or entering or exiting the site, as determined by the City Engineer.
 2. Wall signs are prohibited.
 3. Roof signs are prohibited.
- E. Landscaping Regulations: Landscaping shall be installed in accordance with the following regulations:
1. Planting materials planted on the Property shall be on the list of recommended plants set forth in the most recent edition of ***Recommended Plants for the Kerrville Area*** published by the City at the time of planting; provided, however, no variety of St. Augustine Grass (*Stenotaphrum secundatum* (Walter) Kuntze) may be planted at any location on the Property after the effective date of this Resolution.
 2. There shall be landscaped areas as shown on **Exhibit A**.

3. In addition to those requirements listed above, all landscaped areas shall be completely landscaped with ground cover or plants not exceeding one foot (1.0') in vertical height.
 4. All landscaping, whether required herein or not, shall be maintained at all times in a healthy growing condition.
- F. Screening: Screening shall be in accordance with the regulations in effect at the time individual building permits are submitted to the City.
- G. Trash and Other Solid Waste: Solid waste collection bins and dumpsters shall be equipped with lids and screened with a gate with an opaque screen on one side and masonry material finished to look substantially like the adjacent building on the remaining three sides.
- H. Vehicle Repair and Maintenance: There shall be no repair or maintenance of any vehicles on the Property at any time.
- I. Exterior Lighting: All outside pole lights shall be of a "shoe box" design and shall be located, shielded and aimed in such a manner so as not to allow light to directly fall onto adjacent properties or streets.
- J. Outside Storage: The outside storage of any materials, supplies, inventories, and equipment is prohibited.
- K. Other Zoning Regulations: The regulations set forth in this Resolution are in addition to those set forth in Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, as amended or superseded. In the event of any irreconcilable conflict between this Resolution and the regulations set forth in Title 11, Chapter I of the Code of Ordinances of the City of Kerrville, as amended or superseded, the provisions of the Resolution shall prevail.
- L. Visibility Triangles: Visibility triangles shall be established and maintained pursuant to existing City regulations for the entrance to the Property from G Street.
- M. Building Location and Orientation: The location and orientation of buildings shall be as indicated on **Exhibit A**.

SECTION THREE. This Resolution and the Conditional Use Permit granted herein shall be subject to termination in accordance with Article 11-I-13 of the Code of Ordinances of the City of Kerrville, Texas.

PASSED AND APPROVED ON this the _____ day of _____, A.D., 2006.

Eugene C. Smith, Mayor

ATTEST:

Brenda G. Craig, City Clerk

APPROVED AS TO FORM:

Michael C. Hayes, City Attorney

**BUSINESS OF THE PLANNING AND ZONING COMMISSION
CITY OF KERRVILLE, TEXAS**

AGENDA ITEM: 5B **FOR AGENDA OF:** November 16, 2006

DESCRIPTION: **Replat: Comanche Trace, Phase 9** – A replat of Lots 41 and 42, Block A, a 1.015 acre tract located at the north corner of Comanche Trace Drive and Oak Park Drive.

APPLICANT(S): Grogan Surveying

ATTACHMENT(S): Plat

History/Summary

- State law requires a public hearing prior to Commission action on all replats.
- September 15, 2005 – Preliminary plat approved, Comanche Trace, Phase 9.
- February 22, 2006 – Final plat approved, Comanche Trace, Phase 9.
- October 20, 2006 – Application for replat submitted to City.
- **November 16, 2006** – **Consideration of replat by Commission.**

The proposed replat meets the requirements of the Subdivision Ordinance.

RECOMMENDED ACTION

1. Open public hearing and receive comments, and
2. Approve the replat as submitted.

MEMORANDUM

TO: Planning and Zoning Commission
FROM: Gordon Browning, Senior Planner
SUBJECT: Item 6A – Future Agenda Items

As of this writing the December 7, 2006 meeting will have the following two items;

1. A request for a CUP for a Vehicle Sales –Used Facility located at 2402 Memorial Blvd. The property is zoned E-31.
2. A request for a CUP for Retail Trade I located at 3000 Memorial Blvd. The property is zoned E-31.

Project Update:

During their meeting of November 14, 2006, the City Council held the first of two required public hearing on the proposed annexation of Comanche Trace, Phase 11, 45.52 acres.

If the Commission has any questions regarding the items on this or future agendas, please feel free to contact me at any time.